

REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended.

Claims 16-60 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Additionally, the Office refused to examine Claims 16-60 on the merits, because they were not filed in the parent application (09/563,200).

The treatment of Claims 16-60 in the outstanding Office Action fails to comply with the M.P.E.P. and is clearly improper.

As to the rejection under § 112, first paragraph, the Office Action summarily rejected the claims without setting forth express findings of fact as required by M.P.E.P. § 2163 III.A. Applicants respectfully request either that the rejection be withdrawn or that proper findings of fact be provided.

As to the refusal to examine Claims 16-60, Applicants respectfully note that there is no requirement for claims to have been filed in a parent application in order to be entitled to examination in a divisional application. Indeed, it is common practice to present entirely new claims for examination in a divisional application. Claims 16-60 were entitled to examination under all relevant statutory

provisions, not just § 112, first paragraph. See M.P.E.P. § 2163 III, first paragraph.

Turning to the remaining claims, Claims 10-15, the Examiner's indication of allowable subject matter in Claim 15 is acknowledged with appreciation. In order to reduce the issues, and without prejudice or disclaimer, Claims 10-14 have been cancelled and Claim 15 has been placed in independent form. Accordingly, the rejection of Claims 10-14 should be withdrawn.

A further action on the merits, including full and proper examination of Claims 16-60, is respectfully solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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